

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LAJUAN GORDON,

Defendant.

Case No. 1:99-CR-205

HON. RICHARD ALAN ENSLEN

ORDER

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This matter is before the Court on Defendant's Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2). Section 3582(c)(2) allows for reduction of a sentence:

. . . . in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

United States Sentencing Guideline § 1B1.10 addresses reductions authorized under 18 U.S.C. § 3582(c)(2) and sets forth the Sentencing Commission's policy statement regarding such a reduction in the term of imprisonment as a result of an amended guideline range. Application Note 4 to U.S.S.G. § 1B1.10 states that "[o]nly a term of imprisonment imposed as part of the original sentence is authorized to be reduced under this section. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release." Since, Defendant requests a reduction of the sentence imposed upon revocation of supervised release, the requested relief is not warranted and the Motion will be denied.

THEREFORE, IT IS HEREBY ORDERED that Defendant Michael Lajuan Gordon's Motion for Reduction of Sentence (Dkt. No. 50) is **DENIED**.

DATED in Kalamazoo, MI:
August 11, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE